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03 AT SEATTLE
CLERK U.S. DISTRICT COURT
04 WESTERN DISTRICT OF WASHINGTON DEPUTY

11-CV-01352-ORD

06 UNITED STATES DISTRICT COURT
07 WESTERN DISTRICT OF WASHINGTON
08 AT SEATTLE

08 WARREN EARL ARMSTEAD,

09 Petitioner,

10 v.

11 UNITED STATES OF AMERICA,

12 Respondent.

CASE NO. C11-1352-JLR
(CR04-512-JLR)

ORDER DENYING MOTION UNDER
28 U.S.C. § 2255

14 The Court, having reviewed petitioner's motion under 28 U.S.C. § 2255, the briefing of
15 the parties, the Report and Recommendation of Mary Alice Theiler, United States Magistrate
16 Judge, and the remaining record, including Objections and the Government's response to the Objections, does hereby find and ORDER:

17 (1) The Court adopts the Report and Recommendation;
18 (2) Petitioner's original and amended motions under § 2255 (Dkt. Nos. 1 and 12)
19 are DENIED and this action is DISMISSED with prejudice;

20 (3) In accordance with Rule 11 of the Rules Governing Section 2255 Proceedings
21 for the United States District Courts, a certificate of appealability is DENIED; and


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ORDER DENYING MOTION
UNDER 28 U.S.C. § 2255
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01 (4) The Clerk shall send copies of this Order to petitioner, to counsel for the
02 government, and to Judge Theiler.

03 DATED this th12 day of ~~12th~~ October, 2012.

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05 JAMES L. ROBART
06 United States District Judge
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